

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Debtor.<sup>1</sup>

PROMESA  
Title III

Case No. 17-BK-03283 (LTS)

**OBJCTION TO NOTICE OF PRESENTMENT OF PROPOSED ORDER (A) GRANTING  
IN PART THE TWO HUNDRED THIRTY-FOURTH OMNIBUS OBJECTION (NON-  
SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO TO DEFICIENT  
CLAIMS, (B) APPROVING FORM OF NOTICE FOR CLAIMS TO BE SET FOR  
HEARING, AND (C) GRANTING RELATED RELIEF [Dkt. #14728]**

American Modern Home Insurance Company (“*American Modern*”), by and through its attorneys Rexach & Picó, CSP, files this objection to the *Notice of Presentment of Proposed Order (A) Granting in Part the Two Hundred Thirty-Fourth Omnibus Objection (Non Substantive) of the Commonwealth of Puerto Rico to Deficient Claims, (B) Approving form of Notice for Claims to be set for Hearing, and (C) Granting Related Relief* [Dkt. # 13918] (the “*Objection*”). In support of its Objection, American Modern respectfully states as follows:

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

1. On September 1, 2020, American Modern filed a response to the *Two Hundred Thirty-Fourth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Deficient Claims* filed on July 31, 2020 by the Commonwealth of Puerto Rico, by and through the Financial Oversight and Management Board, hereinafter referred as the “**FOMB**” (the “**Response to Omnibus Objection**”) – see copy set forth as **Exhibit A**.

2. The FOMB’s original underlying basis to object American Modern’s Proof of Claim filed on April 23, 2018 (the “**Proof of Claim**”)<sup>2</sup> – the *Two Hundred Thirty-Fourth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Deficient Claims* (the “**Omnibus Objection**”) – is that the Proof of Claim fails to comply with applicable rules for filing a claim and Debtor is thus unable to determine the validity of the claim.<sup>3</sup>

3. American Modern has already provided the amount claimed in its Proof of Claim, which was later reaffirmed along with additional supplemental information that allows Debtor to determine the validity of the claim, including the CUSIP number of the bond it holds and copies of its brokerage account statements: (1) On February 21, 2019, in its response to a January 23, 2019 request for additional information (see Exhibits B, C, D, E, F and G of the Response to Omnibus Objection); and (2) On September 1, 2020 in its Response to Omnibus Objection filed in the referenced case.

4. American Modern hereby restates and includes as part of this Objection the arguments set forth in the Response to Objection in their entirety.

---

<sup>2</sup> Correction: In its Response to the Two Hundred Thirty-Fourth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Deficient Claims, filed on July 31, 2020, American Modern Home Insurance Company indicated that the Proof of Claim had been filed on March 19, 2018; the correct filing date was April 23, 2018.

<sup>3</sup> See paragraph 13 of the *Two Hundred Thirty-Fourth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Deficient Claims* [Dkt. 13198].

5. After this Objection, the FOMB will have received for a third time the information it requested in January 23, 2019, and will unquestionably be in a position to verify the validity of American Modern's claim for the Debtor.

6. The FOMB has not reached out to American Modern in an attempt to meet and confer over the subject matter of the Omnibus Objection, which would have allowed to solve this procedural matter without the need to engage the Court's resources and time.

7. In addition to the reliefs requested by American Modern in the Response to Omnibus Objection, which are hereby restated and made a part of this Objection, American Modern respectfully requests that this Court (i) determines American Modern has provided sufficient information to the FOMB for Debtor to reconcile American Modern's claim, and (ii) the November 18, 2020 hearing be accordingly declared moot in respect of American Modern's claim.

Dated: October 27, 2020

Respectfully submitted,

REXACH & PICÓ, CSP  
802 Ave. Fernández Juncos  
San Juan PR 00907-4315  
Telephone: (787) 723-8520  
Facsimile: (787) 724-7844

By:/s/ *María E. Picó*

María E. Picó  
USDC-PR 123214  
E-mail: mpico@rexachpico.com

By:/s/ *Javier L. Inclán Aponte*

Javier L. Inclán Aponte  
USDC-PR 305006  
E-mail: jinclan@rexachpico.com

*Attorneys for American Modern Home Insurance  
Company*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY**, that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will notify case participants.

Respectfully submitted.

Dated: October 27, 2020.

Respectfully submitted,

*/s/ Javier L. Inclán Aponte*

---

Javier L. Inclán Aponte – USDC-PR 305006  
Rexach & Picó, CSP  
Ave Fernández Juncos 802  
Miramar, San Juan, Puerto Rico 00907  
[jinclan@rexachpico.com](mailto:jinclan@rexachpico.com)  
Telephone: 787-723-8520  
Facsimile: 787-724-7844

*Attorney for American Modern Home Insurance  
Company*